

BEFORE THE IDAHO STATE CONTRACTORS BOARD

In the Matter of the Registration of:)	
)	Case No. CON-2009-19
T-N-T CONSTRUCTION,)	
Registration No. RCE-16022,)	FINAL ORDER
)	
Respondent.)	
)	

THIS MATTER is before the Board pursuant to the Findings of Fact, Conclusions of Law and Recommendation (hereafter, "Recommended Order") issued on April 13, 2010, by Paul S. Penland, the designated Hearing Officer in this case. No party has filed exceptions to the Recommended Order or written briefing in support of any such exceptions.

The Board, having independently reviewed the record and considered the Hearing Officer's Recommended Order and all other matters of record, and good cause appearing therefore, issues the following order.

IT IS HEREBY ORDERED as follows:

1. Jurisdiction. Idaho Code § 54-5206 empowers the Board to administer the Idaho Contractor Registration Act codified at title 54, chapter 52, Idaho Code. In the course of administering the Act, the Board has jurisdiction over all registered and unregistered persons engaging in the business of, or acting in the capacity of, a contractor in the State of Idaho. *See* Idaho Code § 54-5204(3). The Board may discipline any person who violates the Act. *See* Idaho Code § 54-5215.

2. Findings of Fact and Conclusions of Law. The Hearing Officer's Recommended Order is attached hereto as Exhibit A. It is adopted and incorporated herein by this reference as the Board's findings of fact and conclusions of law. Grounds for discipline exist. The Board may, therefore, impose discipline as specified in Idaho Code § 54-5215 (board may issue informal letters of reprimand, suspend or revoke a registration, impose a civil penalty in an amount not to exceed one thousand dollars

(\$1,000), recover the costs and fees incurred in an investigation and prosecution, or issue a formal reprimand).

3. Discipline Imposed. Based on its findings and conclusions, the Board imposes the following discipline upon Respondent:

a. Respondent is fined Two Hundred Fifty and No/100 Dollars (\$250.00). Respondent must pay this fine within sixty (60) days of the issuance of this order.

b. Respondent must pay the fees and costs incurred by the Board to investigate and prosecute this matter. The amount of the fees and costs that Respondent must pay shall be determined as follows:

i. Within forty five (45) days of the issuance of this order, the State must file an affidavit, setting forth the fees and costs incurred to investigate and prosecute this matter.

ii. If Respondent objects to the fees and costs claimed by the State, then Respondent may, within thirty (30) days from the date on which the State serves its affidavit, file a written objection to those fees and costs and, if he desires, a written request for a hearing on the objection. If Respondent files a timely objection to the State's claimed fees and costs, then the Board will consider Respondent's objection in determining the amount of costs and fees that Respondent must pay. If, however, Respondent fails to file a timely objection, then the Respondent will have waived Respondent's ability to object, and Respondent must pay the total fee and cost amount set forth in the State's affidavit.

iii. Within ninety (90) days of the issuance of this order: (a) if Respondent filed a timely objection, then Respondent must pay the total fee and cost amount as determined by the Board; or (b) if Respondent did not file a timely objection, then Respondent must pay the total fee and cost amount set forth in the State's affidavit.

4. Due Process Rights. This is a final order of the Board. Accordingly:

a. Any party may file a motion for reconsideration of this final order within fourteen (14) days of the issuance of this order. The Board will dispose of the petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. *See* Idaho Code § 67-5246(4).

b. Pursuant to Idaho Code §§ 67-5270 and 67-5272, any party aggrieved by this final order or orders previously issued in this case may appeal this final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which: (i) a hearing was held; (ii) the final agency action was taken; (iii) the party seeking review of the order resides, or operates its principal place of business in Idaho; or (iv) the real property or personal property, if any, that was the subject of the agency action is located.

c. Any appeal must be filed within twenty-eight (28) days of: (i) the issuance of this final order; (ii) the issuance of an order denying a petition for reconsideration; or (iii) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. *See* Idaho Code § 67-5273. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

5. Service of Order. The Bureau Chief of the Bureau of Occupational Licenses shall cause a true and correct copy of this order to be served upon the Respondent and the State's attorney by mailing a copy to them at their respective addresses, as provided.

DATED this 28th day of June, 2010.

IDAHO STATE CONTRACTORS BOARD

By _____
Anthony Hughes, Chair

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of June, 2010, I caused to be served a true and correct copy of the foregoing by the following method to:

Terry Blamires
T-N-T Construction
600 South Orchard
Boise, ID 83706

- ☒ U.S. Mail
- ☐ Hand Delivery
- ☒ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☐ Facsimile: _____
- ☐ Statehouse Mail

Karin Magnelli
Deputy Attorney General
P.O. Box 83720
Boise, ID 83720-0010

- ☐ U.S. Mail
- ☐ Hand Delivery
- ☐ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☐ Facsimile: _____
- ☒ Statehouse Mail


Tana Cory, Bureau Chief

March 5, 2010, had been received by an individual at Respondent's address on March 8, 2010.

Counsel for the Board was asked if she had evidence she wanted to present at the hearing. She offered into evidence **Exhibit A**--an Exterior Roof System Remodel Description of Project dated August 22, 2008, which was attached to the Complaint on file herein.

Deputy Attorney General Magnelli then asked the Hearing Officer to grant the state's Motion for Summary Disposition for the grounds set forth in its Memorandum in Support of Motion for Summary Disposition. Based upon the Complaint, letter received by the Board on August 25, 2009 from T-N-T/Terry Blamires which the Hearing Officer has treated as an Answer to the Complaint, the Motion for Summary Disposition and the matters offered in support of the motion as set forth in the Memorandum in Support of Motion for Summary Disposition, the motion is **HEREBY GRANTED**.

FINDINGS OF FACT

The Hearing Officer makes the following Findings of Fact based upon the Complaint, Respondent's Answer and the admissions contained therein, Exhibit A, the Motion for Summary Disposition and the matters offered in support of the motion as set forth in the Memorandum in Support of Motion for Summary Disposition, and the matters administratively noticed.

1. Respondent received a copy of the Complaint as it was served by regular and certified mail which was mailed on or about June 25, 2009. Respondent receipt of a copy of the Complaint is established by the Answer. Respondent received a copy of the Order Setting Hearing as it was served by regular and certified mail which was mailed on or about March 5, 2010, with the "return receipt" reflecting receipt by an individual at Respondent's address on March 8, 2010; thus, Respondent received notice of the hearing, but failed to appear for it.

2. Respondent was registered with the Board under Registration No. RCE-16022 to engage in contracting in the state of Idaho. Respondent's registration expired on May 3, 2007, and the registration was canceled as of May 4, 2007. Respondent has not renewed his registration; however, pursuant to Idaho Code § 67-2614, Respondent retains the right to renew his registration for up to five (5) years after cancellation by paying the required fees. Respondent admitted in the Answer that the registration was not renewed.

3. On or about August 22, 2008, after its registration had expired and had not been renewed, Respondent provided a bid to K.M. to perform construction work for \$36,000, which was to include demolition of an existing roof structure, install concrete footings, construct framing, install a truss system, install roofing, install siding, and various electrical work.

4. Respondent's actions described in the preceding two paragraphs are a violation of the laws governing contracting in the state of Idaho, in particular, Idaho Code § 54-5204(1) (it is unlawful for any person to engage in the business of, or hold himself out as, a contractor in Idaho without being registered with the Board) and Idaho Code § 54-5215(2)(a) (violations of Contractor Registration Act).

CONCLUSIONS OF LAW

The Hearing Officer makes the following Conclusions of Law:

1. Respondent received a copy of the complaint as it was served by regular and certified mail. Respondent also received notice of the hearing by certified mail. After receiving notice of the hearing, Respondent failed to appear at the hearing.

2. At all times material hereto, Respondent was subject to the jurisdiction of the Board. Although Respondent's registration was not renewed and it expired on May 3, 2007, Respondent retains the right to renew the license for up to five (5) years after cancellation by paying the required fees.

3. The admissions contained in Respondent's Answer and the contents of Exhibit A are sufficient to warrant granting the State's Motion for Summary Disposition.

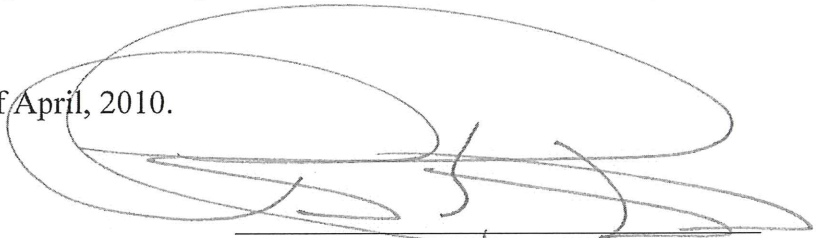
4. Respondent's actions as described in Findings of Fact No. 3 constitute a violation of Idaho Code § 54-5204(1) (it is unlawful for any person to engage in the business of, or hold himself out as a contractor in the state of Idaho without being registered with the Board) and Idaho Code § 54-5215(2)(a) (violations of Contractor Registration Act).

5. Respondent's violations of Idaho Code §§ 54-5204(1) and 54-5215(2)(a) constitute a basis for imposition of discipline upon Respondent by the Board.

RECOMMENDATION

The Hearing Officer recommends that the Board impose such discipline upon Respondent as it deems appropriate based upon the Hearing Officer's Findings of Fact and Conclusions of Law.

DATED this 13th day of April, 2010.

A large, stylized handwritten signature in black ink, appearing to read 'Paul S. Penland', is written over a horizontal line.

Paul S. Penland, Hearing Officer

CERTIFICATE OF SERVICE

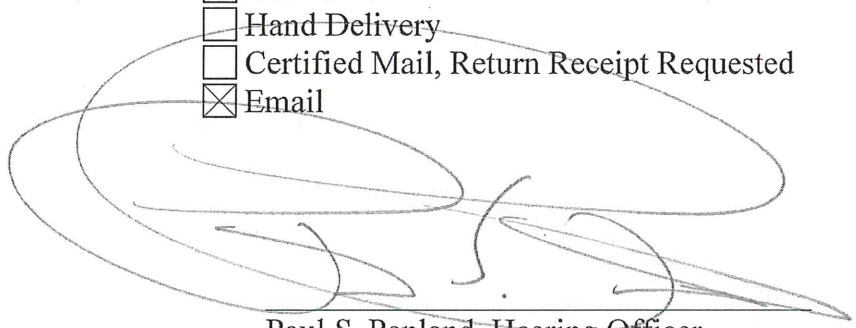
I hereby certify that on this 13th day of April, 2010, I caused to be served a true and correct copy of the foregoing Complaint by the following method to:

Terry Blamires
T-N-T Construction
600 South Orchard
Boise, ID 83706

- ☒ U.S. Mail
- ☐ Hand Delivery
- ☒ Certified Mail, Return Receipt Requested

Karin Magnelli
Deputy Attorney General
P.O. Box 83720
Boise, ID 83720-0010

- ☐ U.S. Mail
- ☐ Hand Delivery
- ☐ Certified Mail, Return Receipt Requested
- ☒ Email



Paul S. Penland, Hearing Officer

[REDACTED]
[REDACTED]
Garden Valley, Id 83622

Home Phone: [REDACTED]

EXTERIOR and ROOF SYSTEM REMODEL

DESCRIPTION OF PROJECT

Demolition

1. Removal of existing roof structure as necessary to accomadate new truss system.

Concrete:

1. Provide and install concrete footings 2ea. To accommodate front porch post support.

Framing:

1. Provide and install all necessary framing of existing truss ends and caps with 7/16 osb
2. Provide and install corner sheer walls and anchor to existing metal columns.
3. Provide and install sheeting on corner sheer walls 3ea. With 7/16" OSB.
4. Install owner provided deck material for covered patio.
5. Provide and install corner posts 2ea. To accommodate completion of front porch.
6. Provide and install beam system to support front porch truss system.
7. Provide and install 2x4 framing to accommodate 24" eve and soffit system.
8. Provide and install 2x8 facia framing to accommodate truss end tie in.
9. Provide and install soffit (to include soffit vents every 8')
10. Provide and install framing to accommodate for enclosing all posts (provided and installed by others)
11. frame new step system for new covered patio entry with materials provided by owner.

Trusses:

1. Provide and install truss system in accordance with truss manufactures recommendations and plans provided by others and approved by homeowner.
2. Provide and install dutch gable system as per plans and specs provided by others and approved by homeowner.

Roofing:

1. Provide and install 7/16" roof sheething with 3/8 H clips.
2. Provide and install 15# felt on new roof sheeting.

T-N-T CONSTRUCTION I



T-N-T CONSTRUCTION

Terry Blamires
208-331-6625

3. Provide and install roof vents 6ea.
4. Provide and install metal roof system (cop-pen) as per owners request.

Siding:

1. Provide and install 1"x 8"x 293' fascia board
2. Provide and install 24"x 3/8"x 206'.
3. Provide and install 3/8"soffit under covered patio and front porch.
4. Provide and install siding to accommodate enclosing all beams and posts 22ea.
5. Provide and install siding on corner sheer walls 3ea.

Electrical:

1. Install owner provided 20amp breaker in main inside electrical panel.
2. Remove 3ea. Existing interior lights and replace with owner provided lights.
3. Provide and install 2ea. Electrical cuttin boxes 2ea in master bath.
4. Install 2ea. Owner provided GFIC outlets.
5. Provide and install 2ea. Electrical cuttin boxes on west exterior corners.
6. Provide and install 2ea. Exterior GFIC outlets.
7. Remove light from ceiling fan and cap wiring in entryway.
8. Provide and install 100ft. x 18"x 4" wide to accommodate wiring and conduit for garage power.
9. Provide and install 100ft. 30amp underground wiring in conduit to accommodate power to existing garage.
10. Provide and install 100ft 40amp wiring in conduit to accommodate RV receptical.
11. Relocate existing A/C condenser unit from present location to the north side of structure.

TOTAL INVESTMENT PRICE

\$36,000.00

T-N-T CONSTRUCTION hereby proposes to furnish material and labor complete in accordance with the above specifications, for the amount of \$36,000.00 Payment to be made as follows: \$ 13,000.00 down, with progress payments made consummate to work completed. All work will be completed in a workmanlike manner according to standard practices. Any alteration or addition to the original estimate will be addressed with an additional work request specifying itemized costs.

T-N-T

Authorization

Date 8-22-08

Client

Authorization

Date 8/22/08

Client

Authorization

Date

T-N-T CONSTRUCTION 2